

**UNITED STATES DISTRICT COURT
FOR UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BARRY WARE,

Defendant.

No. 08 CR 00122

Judge Harry D. Leinenweber

**DEFENDANT, BARRY WARE'S MOTION FOR CONTINUING DISCLOSURE
OF FAVORABLE EVIDENCE**

NOW COMES the defendant, BARRY WARE (hereinafter, "defendant"), by and through his attorney, STANLEY L. HILL, and pursuant to Rule 16 of the Federal Rules of Criminal Procedure and the principles enunciated in *Brady v. Maryland*, 373 U.S. 83 (1963) and *Kyles v. Whitley*, 115 S.Ct. 1555 (1995), respectfully moves this Honorable Court for a continuing order that the government provide all evidence in its possession or all evidence that comes into its possession which is favorable to defendant. For purposes of continuing disclosure and to put the government on specific notice, defendant requests the following information:

1. The name, last known address, and statement or memorandum of interview, if any, of any individual, including any co-conspirators, cooperating individuals or confidential informants, whose testimony would be favorable to defendant in any way or consistent with his innocence.
2. The name, last known address and statement or memorandum of interview, if any, of any individual whose testimony would contradict or be inconsistent

with the expected testimony of any witness for the government, regardless of whether the government intends to call such person as a witness, including any confidential informants.

3. Any documentary evidence or information which contradicts or is inconsistent with the expected testimony of any witness for the government.
4. Any prior statements of a witness for the government which are inconsistent with his or her expected trial testimony.
5. Any and all books, papers, records, or documents which contain evidence favorable to defendant or which are consistent with his innocence, including but not limited to, any handwritten notes written by government agents concerning this case, the results of any fingerprint, handwriting, voice exemplars, or other laboratory tests which are consistent with defendant's innocence.

WHEREFORE, the defendant, BARRY WARE, request that this Honorable Court grant this Motion for Continuing Disclosure of Favorable Evidence.

Respectfully submitted,

/s/ Stanley L. Hill

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